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James Digges

Mr. La Touche's

ADDRESS

TO

His Grace the Duke

OF

DORSET.

The Second Edition.

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DUBLIN:

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TO HIS GRACE

LIONEL

Duke of DORSET,

LORD LIEUTENANT GENERAL

AND

GENERAL GOVERNOR

OF

IRELAND,

&c. &c. &c. &c.

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My Lord,

IT is with the greateſt Reſpect, and at the ſame time with a more than uſual Diffidence, that I thus intrude on your Grace's Leiſure.

It is not the Splendor of a Throne which awes, nor the Appearance of Attendants and Guards which alarms me; whilſt the Rays of the former are tempered by the Humanity and Condeſcenſion of the Perſon who fills it; whilſt the latter are as much the Protection of the Subject, as the Ornament of the Palace; an honeſt Man, (who knows that Reverence and Affection are more acceptable to his Prince than Servility and Fear,) will find himſelf, at as much Eaſe in a Court, as in a Cottage.

But when I conſider, that the worthieſt Intentions may be miſconſtru-

ed;

ed; that the wiſeſt and beſt Men are open to Impreſſions from Miſrepreſentation and Miſreports; when I conſider, that I am looked upon as one of the principal Authors of the Diviſions in this City; and of the Diſcontent and Jealouſy which are laid as ſo many Crimes to the Charge of my Fellow-Citizens; my Reſolution, I muſt confeſs, does almoſt fail me, and nothing but a firm Reliance on your Grace's Integrity and Goodneſs, and a ſtrong Conviction that you will not condemn any Perſon unheard, could have prevailed on me to accept the Charge I have received from my Fellow-citizens, and to requeſt that you will give them leave to lay the State of their Caſe at your Grace's Feet.

If this Requeſt be agreeable; the Citizens of *Dublin*, who are one of the four Conſtituent Parts of this Corporation,

poration, distinct from the Lord-Mayor, Sheriffs, and Common-council, who make up the other three Parts, do design to lay before your Grace the State of their Case, examined and revised by the ablest Lawyers in this Kingdom. In it your Grace would see the Points in Dispute between the Citizens on one Part, and the Aldermen and Common-council on the other.——What Remedy the former may have at Law, in the ordinary Forms of Justice——wherein the Laws, as they now stand, are deficient, and how far it might be expedient, that the Crown, in Vindication of its Charters, and the Legislature in Vindication of the Constitution of the Country, should intermeddle in these Affairs.

This, my Lord, the Citizens had resolved to present you with, immediately on your Arrival; and, together with

with it, a moſt humble Addreſs, to congratulate you on your ſafe Return to the Government of this Kingdom; and to expreſs their Satisfaction at ſeeing the Reins of Government in your Grace's Hands, and their Hopes, that, under your Grace's Adminiſtration, their Complaints would be received——their Grievances redreſſed——and their Rights reſtored.

But as the Conduct and the Views of my Fellow-citizens have generally met with the moſt unjuſt and ungrounded Interpretations, they were under ſome Apprehenſions that what they deſigned as a Mark of the moſt humble Reſpect, might, unleſs they previouſly obtained your Grace's Permiſſion to that Purpoſe, be conſtrued into a kind of Inſult——their Complaints into Sedition——and their Loyalty into Faction.

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One only Mark of Reſpect was left them to beſtow----their Forwardneſs to welcome the Landing of their wiſhed-for Governor to the Shore, by their loudeſt Acclamations-----nor would this have paſſed uncenſured, had it not given their Adverſary occaſion to repreſent them, as a rude, undiſciplined Mob; which Character the Free-Citizens, choſe to appear in, rather than to have ſuppreſſed thoſe Sentiments of Joy and Expectation, which a cautious Fear of giving Offence prevented their expreſſing, in a more regular and decent manner.

It is not within the Commiſſion I have received from my Fellow-Citizens, to lay before your Grace any Matters of a controverted Nature-----this will be more properly done, if your Grace ſhould think it fitting, to call the Parties before you: But I flatter myſelf, it cannot be diſpleaſing to

your Grace, that I ſhould lay before you that Plan of Government and Adminiſtration, which prevails in the Metropolis of that Realm, over which His Majeſty, from his paternal Regard to the Welfare of his Subjects, has appointed your Grace his Lieutenant.

The Government of this City is, my Lord, in a Lord-Mayor, two Sheriffs, twenty-four Aldermen, and about one hundred and twelve Common-Council Men. The Lord Mayor and Sheriffs are elected by the Aldermen alone; who fill up likewiſe all Vacancies in their Board by Elections among themſelves, excluſively of the Commons and Citizens. The Commons of the City are thoſe who have ſerved the Office of Sheriff, and ninety-ſix Perſons elected by the Aldermen, from a double Return made to them from the twenty-five ſubordinate

dinate Corporations of this City—— But of the Validity of this Return, the Aldermen are the ſole Judges----- and if the Signature of any one of the Maſters or Wardens of the Returning Corporation ſhould be wanting-----if Abſence or Sickneſs, Accident or Neglect, ſhould prevent any of them from ſigning it------the Aldermen do then Elect from the whole Corporation, without any Regard to the Return made to them--------or without any Regard to the Opinions, which the Corporation may have of the Capacity or Integrity of the Perſons, whom the Aldermen are pleaſed to Elect, as Repreſentatives from that Body.

The Lord-Mayor and Aldermen have the Election of Treaſurer in themſelves alone; thoſe of Recorder and other Officers in the City-----and the Diſpoſal and Management of the

City Revenues, in them conjunctly with the Sheriffs and Commons, who are all of them in reality Elected by the Aldermen.

The Justices of the Peace, are the Lord-Mayor, Recorder, and such of the Aldermen who have served the Office of Lord-Mayor, or who after their Election have been excused that Office; of the former there are now Eight, and of the latter no less than seven.

This, my Lord, the Aldermen would willingly perswade themselves and others to be the Legal Government of this City——and I make no doubt, but they will also allow as Truth, what I shall lay before your Grace, concerning the Administration of these Powers.

I shall go no farther back than the two last Years, the Conduct and Behaviour of the former Rulers in this

City

City are foreign to my Purpose; but the Behaviour of the present may be presumed to claim, in some measure, the Attention of your Grace.

The Election of Lord-Mayor is indisputably in the Aldermen alone, and this Election has, time out of Mind, been made with regard to Seniority ——unless there was some apparent Incapacity or Demerit in the Person, whose Turn it became to be Elected in that Office.——But we have lately seen an Alderman twice set aside from the Chair, for no Reason that the Aldermen would assign, but their mere Will; for no Reasons that can be guessed at, but because that Alderman had some Share in the Affections of the Citizens——and had probably shewn too much Honesty and Spirit to have given any Expectations, that he would concur, with the Board in the Measures, then probably resolved on, to set aside

aſide the Returns, which were then ſhortly to be made by the ſeveral ſubordinate Corporations, of Repreſentatives in the Common-council.

As to the Election of Sheriffs and Aldermen, it is a Matter which they alone are Judges of; they beſt know, whether in theſe they have had more Regard to the Merit and Capacity of the Perſons, than to the ſecuring their own Intereſt and Power.

In the Election of the preſent Common-council, they have ſet aſide the Return of ſixty-two Merchants, becauſe the Return was ſigned only by one Maſter and two Wardens, the other Maſter, being an Alderman, and having out of Modeſty declined to put his Name to that Return, on whoſe Validity he was to ſit as a Judge.---------They ſet aſide the Return of ſix Weavers, ſigned by the Maſter and one Warden, becauſe the

Signature

Signature of the other Warden, who lay at the Point of Death, twenty Miles from *Dublin*, was wanting to it.------ They ſet aſide the Return of four Tallow-chandlers, and ſix Sadlers, for a ſimilar Reaſon.---------They ſet aſide the Return of four Hoſiers, one of the Wardens being then in *England*. ------They ſet aſide the Return of eight Brewers, becauſe the Maſter had refuſed to ſign a Return, in which he was not named.------They elected four Shoemakers, becauſe the Maſter would not make the Return, agreed on by the Corporation, for which ſervice he was rewarded by a Place in the Common-council, as a Repreſentative for that Corporation; which, at the ſame time deprived him of his Office of Maſter, for ſo notorious a Breach of Truſt.---They elected, from out the whole Corporation, four Butchers, becauſe the Heads of it could not

not agree, in making a Return.—So that of the ninety six Perſons, who now compoſe in the Common-council the Repreſentatives of the twenty five Subordinate Corporations, there are no more than forty four, who have been elected or returned by the Corporations they are ſuppoſed to repreſent.

As to the Management of the Revenues, I ſhall only obſerve, that the City has already contracted a Debt of about 40,000*l.* and Part of this has been expended, in defending the Law Suits commenced againſt ſome of their Officers, by the Citizens.—The Office of Treaſurer, of which they have the Election in themſelves, is annual, and till very lately, merely nominal. It uſed to be given to the Lord-Mayor of the preceding Year, and half the Perquiſites of the Office was looked upon as an Addition to

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the Appointments of the Office of Mayor; the other half of the Poundage was given to a Receiver-General, who was elected for Life by the whole Common-council; but the Aldermen have, since the Death of the late Receiver-general, entirely suppressed that Office, and do now annually Elect a Treasurer, who does the Business of a Receiver General, and what little Controul the Commons had on that Office, is now entirely abolished.

The Freemen of *Dublin*, in Number about Three thousand, who are not of the Common-council, are allowed no Voice or Controul in the General Assemblies of the City, no Votes in the Election of their Magistrates, no absolute Choice of their Representatives in Common-council ——no one Right or Privilege, distinct from those of the Inhabitants of the

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City, who are not admitted in its Franchiſes.

This, my Lord, is the preſent Condition of the Freemen; and can they appear criminal, tho' it ſhould be allowed, that they are diſcontented with this Condition?——Is it going beyond their Sphere, to endeavour at being again reſtored to a more popular Government?——to a Government, in which alone, Virtue can find its Place.

Spirit of Laws Book 5. Chap. 2. ——If Virtue be a Senſation, and not the Conſequence of acquired Knowledge, a Senſation which may be, and often is, as ſtrongly felt by the loweſt, as by the higheſt Perſon of the State——If every other Form of Government, beſides a popular, can be ſupported without it——If Virtue conſiſts in a Love of the Publick—What Room is there for it in a Corporation, where there is properly no Speaking in Publick——in a Corporation where the

the higheſt Offices are not the Objects of a ſenſible Man's Ambition—where the Senate elect themſelves; where the Executive and Legiſlative Part of Government are in the ſame Hands—and where the People are juſt——nothing at all?

If ſuch be the Conſtitution of this City——in what Eſtimation muſt be held the King, who could have eſtabliſhed, the Parliament who could have confirmed, or the People who could have accepted of it?——But to that gracious Providence which has been ſo ſignally watchful of the Liberties of theſe Kingdoms, even when we leaſt deſerved it, it is owing, that there never did exiſt any ſuch King—ſuch a Parliament, and ſuch a People, at one and the ſame Time.

The firſt Charter to this City was granted to People, who were free, and who knew the Value of Liberty——to the Citizens of *Briſtol*, who were encouraged

couraged to ſettle here by the Grant of a free and popular Government, in which every Freeman had a Share; in which a perfect Equality was preſerved; in which there was no raſh Pre-eminence or Power, but what was owing to the Appointment of the Citizens, who were the Electors of all their Magiſtrates, and who without any Common-Council, made Bye-Laws, and tranſacted every other Buſineſs of Government.

All ſubſequent Charters have ſuppoſed the Citizens to be inveſted with great Powers, in the Government of the City. When Power was granted to the Aldermen of Electing Juſtices of the Peace, it was, as is rehearſed in that Charter, upon an Information, that theſe Aldermen were elected by the whole Body.----When it was thought proper by the Parliament, and by the Privy-Council of this Kingdom,

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to curtail the Privileges of the City, and to enlarge the Powers of the Board of Aldermen, a due regard was ſtill preſerved to the Liberties and Rights of the Citizens----and the Laws at this Day in force, are ſufficient, in the Opinion of our ableſt Lawyers, to reſtore the Citizens to a great Part of their Privileges.

To theſe Laws the Citizens have had Recourſe, and have commenced two Suits in the Court of King's Bench; the one, in order to eſtabliſh a Right, which the Free-Citizens claim, of a Negative on the Proceedings of the Common-council; the other, in order to reſtrain the Aldermen from ſetting aſide the Returns made to them for Repreſentatives in Common-council; ----and they have great Reaſon to believe, that they will ſucceed in both theſe Points.----For the Leave to file Informations againſt the Officers e-

lected

lated without the Concurrence of the Citizens, was not furpriſed from the Court—the Aldermen had oppoſed ſuch Leave being granted, and it was not till after many a Hearing and much Debate, that the Court determined there was ſufficient Ground and Reaſons for them to grant Tryals of thoſe Points; and the Aldermen do now wait the Iſſue of thoſe two Tryals, with as much Anxiety, as the Citizens do, with Expectation.

But theſe are not the only Points in which the Citizens think themſelves aggrieved—their Right of electing Aldermen in concurrence with the Aldermen and Common—their Right in the Government of the Blue-Coat-Hoſpital—and in the Management of the Baſtard-Office—their Right of excuſing from the Office of Lord-Mayor and Sheriffs,——All theſe Points will be ſucceſſively tried in the

proper

proper Courts of Law——unless that your Grace, in your great Wisdom, should think it more expedient, that the whole Constitution of this City should be new modelled by the Legislature of this Kingdom.

And, in Truth, my Lord, it is impossible that it should subsist much longer in the Form it now is; every Support in every Kind of Government is wanting in it——Dignity in its Magistracy——Moderation in its Oligarchy, or Equality in what it partakes of Democracy. If it has subsisted so long, it is only owing to the Virtue of the People, who tho' they cannot love this Form of Government in the City, are truly affected with a Love for the Constitution of their Country——Who submit to Servility in a Corporation, whilst they retain their Liberty as Subjects.——If this City's Government does yet subsist, it is owing to the

the Loyalty of the People, to their Love of Order and Peace; for which they have at all times been remarkable, and to their Hopes that under your Grace's Protection, the Laws of the Country, or the Interposition of the Legislature, will procure them a Restoration of their lost Rights, which, while they retain their present Honesty and Spirit, they must be incapable of making an ill Use of.

I am,

With the most profound Respect,

My Lord,

Your Grace's

Most Dutiful,

Most Humble, and

Most Obedient Servant,

JAMES DIGGES-LATOUCHE.